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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,049	02/16/2001	Janine Morgens Strang	7253/VB	2701

27752 7590 07/06/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,049

Applicant(s)

STRANG ET AL

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to applicants' amendment and response received May 12, 2005. Claims 18-23 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al, US 5,746,776.

Smith et al teach a dry cleaning kit for in-dryer use comprising a containment bag containing an interior surface which is impregnated with an effective amount of a dry cleaning composition (see abstract). The bag may have multiple layers, the outermost being a vapor impermeable barrier and the inner layers having the dry cleaning composition absorbed thereto (col. 10, claim 1). This appears to be the identical apparatus as presently claimed. The dry cleaning compositions comprise as much as 95% water, as much as 32% organic solvent, and as little as 1% nonionic surfactant (col. 10, claims 1-3). Suitable organic solvents of the invention include C2-C4 diols and ethylene glycol (col. 5, lines 51-60). It would have been obvious to one of ordinary skill in the art to use a diol or

ethylene glycol as the organic solvent in the dry cleaning compositions of Smith et al as such solvents are taught as preferred in their compositions.

With respect to the amount of the composition to be absorbed to the substrate, note that Smith et al teach an effective amount of dry cleaning composition for absorption in the substrate. It is obvious to one of ordinary skill in the art not to use too little composition, as that would make for ineffective cleaning, and not to use too much, as that might result in unwanted residues and would not be cost effective. Also note that the composition, surface area and thickness of the substrate in question will dictate how much cleaning solution should be applied. Perhaps the apparatus is designed for heavily soiled fabric, which would require greater amounts of cleaning composition, or similarly, a lightly soiled fabric, requiring fewer amounts of cleaning composition. In any case, one of ordinary skill would be confident in the amount of cleaning composition that should be applied, depending on the properties of the substrate and the needs of the consumer. Accordingly, the examiner maintains that the specific amounts of cleaning composition presently claimed are not an unobvious modification over the teachings of the prior art.

Applicants have traversed this rejection on the grounds that it is unobvious to one of ordinary skill to readily know the amounts that are necessary for proper cleaning. While it may be easy to say that one should not use too little or too much, there is absolutely no disclosure as

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to what too much or too little is. Indeed, depending on the active ingredients, how they are applied, and the type of cleaning performed, what is too much or too little could vary wildly, likely by orders of magnitude.

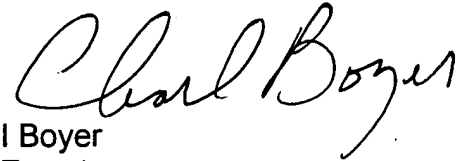
Applicants and the examiner appear to be using the same argument to arrive at different conclusions. Applicants argue that because the amounts of cleaning composition may vary widely, it is unobvious to choose the amounts claimed, wherein the examiner agrees that the amounts used may vary based on a number of variables, but maintains it is well within the sphere of confidence of one of ordinary skill in the art to identify the correct amount of composition to use for a given situation, and such amounts overlap those presently claimed. It does not involve invention to choose a specific amount of a well-known composition to be applied to a well-known article for the identical purpose as taught by the prior art. Accordingly, the rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Charles I Boyer". The signature is written in a cursive, flowing style with a large initial "C".

Charles I Boyer
Primary Examiner
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